



DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P. O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

JULY 18, 2007

REPLY TO
ATTENTION OF:
Operations Division
Regulatory Branch

SUBJECT: (General Permit)NOD-13


SPECIAL PUBLIC NOTICE

TIME EXTENSION AND MODIFICATION OF THE GENERAL PERMIT FOR
BOARD ROADS AND RING LEVEES

Interested parties are hereby notified that (General Permit)NOD-13, originally issued by this office on March 22, 1981, covering dredging and deposits of dredged and/or fill material for the construction of oilfield roads, drilling locations, pits, levees, and associated facilities in wetlands of the New Orleans District, is being extended through December 31, 2012. A copy of the modified and extended general permit is attached.

The proposed time extension and modification was advertised for public comment on May 18, 2007. The only change from the general permit as advertised in the public notice is a minor rewording recommended by the Environmental Protection Agency on page 2, paragraph d.(3).

Although the general permit is being extended, persons who become aware of problems or adverse impacts are requested to notify the Regulatory Branch of this District at the above address. The general permit will be suspended, revoked, or modified if it is shown to be in the public interest to do so.


Pete J. Serio
Chief, Regulatory Branch

Enclosure



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

Operations Division
Regulatory Branch

DEPARTMENT OF THE ARMY GENERAL PERMIT

Authorization No.: (General Permit)NOD-13

Original Effective Date: March 22, 1981

Proposed Expiration Date: December 31, 2012

Under authorization granted by applicable section of Parts 320 through 330 of Title 33, Code of Federal Regulations, and delegated authority from the Commander, U. S. Army Corps of Engineers, District Engineer at New Orleans has determined that it is in the public interest to issue a general permit for dredging and deposits of dredged and/or fill material for construction of oilfield roads, drilling locations, pits, levees, and associated facilities in wetlands of the New Orleans District.

Specific legislation requiring Department of the Army permits for work of this nature are:

- a. Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 USC 403), and
- b. Section 404 of the Clean Water Act (33 USC 1344).

This general permit does not authorize work within the following areas:

- a. In or within one mile of the boundaries of any national park or monument, wildlife refuge, management area, state park, and established buffer zone at a national park site without approval of the respective park, refuge, management area, or monument manager.
- b. Within one-half mile of a bald eagle nesting site.
- c. Within one-half mile of a known rookery area.
- d. Within any area where the activity is likely to adversely affect federally listed threatened or endangered species, or a species proposed for such designation, or that is likely to destroy or adversely modify the critical habitat of such species.
- e. Within one-quarter mile of a levee constructed with or maintained with federal funds without the approval of the U. S. Army Corps of Engineers, Engineering and Operations Divisions, and the respective levee board.

f. Within one-quarter mile of a levee or other flood control facilities owned or operated by agencies of state and local government.

g. In or within 500 feet of any designated scenic stream.

h. On barrier islands.

i. At or in close proximity to any known historic or archeological site or within the boundaries of a historic district.

This general permit is subject to the applicable standard conditions of our permit form, ENG Form 1721. A copy of the form is attached to this general permit as enclosure 1. A copy of a typical board road and ring levee drawing is attached as enclosure 2.

The following special conditions are made a part of this permit:

a. Maximum length, including roads, pits, and appurtenances, authorized by this permit is 1,500 feet. Normally, the maximum top width of roads would be 20 feet, maximum berm width would be 15 feet, and the maximum top width of staggered borrow areas would be 20 feet.

b. Work authorized by this permit must follow the shortest, direct route through wetlands unless acceptable reasons for deviations are provided. Legitimate reasons for deviating include, but are not limited to, avoiding cultural resources sites, ponds utilized by waterfowl, shellfish, or mollusk producing ponds and property on which right-of-way cannot be obtained.

c. Authorized work must follow existing pipelines, powerlines, and similar disturbed areas to the maximum extent practicable.

d. Applications for work to be performed under authority of this general permit must include the following:

(1) A completed application form (ENG 4345), and drawings clearly showing the location, character, and extent of the proposed work (see enclosure 2).

(2) A detailed discussion of alternative drilling sites and alternate routes considered and reasons why an apparently less environmentally damaging alternative was not selected.

(3) A compensatory mitigation plan to offset unavoidable wetland losses. This plan will adhere as closely as possible to the requirements of the Memorandum of Agreement between the Department of the Army and the Environmental Protection Agency (i.e., compensatory mitigation will generally be in-kind, performed within the same geographical area as the project site, etc.). The compensatory mitigation plan must provide a minimum of 1 to 1 acreage replacement, with each plan evaluated on the basis of conditions existing at the proposed project site. Compensatory mitigation may consist of wetland restoration, enhancement of

degraded wetlands, wetland creation, or participation at an approved mitigation bank. The plan should be designed to replace the functions of the affected project site. It may be performed on federal wildlife refuges, state wildlife management areas, and parish or private lands. The plan must include a letter from the refuge or land manager agreeing to the proposed plan. Compensatory mitigation shall be performed as specified within the individual general permit authorization.

(4) Signed statements from the affected landowners establishing that they have no objection to the required restoration and that they agree not to develop or disturb restoration/mitigation areas without the prior approval of the District Engineer.

e. Roads, ring levees, and appurtenances authorized by this general permit may not connect with other fill authorized by this general permit nor may they be within one-half mile of an existing or restored road approved by this general permit, unless the use of such existing facilities is determined to be the least damaging practicable alternative by the New Orleans District (i.e., a proposed drill site contiguous to an existing road or ring levee may, if appropriate, be authorized by this general permit).

f. Fills must utilize non-wetland areas, existing roads, existing dredged material deposits, and similar areas to the maximum extent practicable.

g. To insure compliance with conditions b, c, d, e, and f, immediately above, drawings submitted with applications for work under this general permit must:

(1) Show all existing roads, waterways, well locations, pipelines, canals, etc., within one mile of the proposed work site.

(2) Provide the authorization under which any existing privately-owned road which connects with a proposed road was constructed. If the authorization number is not known, the approximate date of construction and interest which constructed the road must be provided, if known.

h. Additional conditions may be added to this general permit by the District Engineer if it is found to be in the public interest to do so.

i. This general permit may be suspended, in whole or part, by the District Engineer if it is found to be in the public interest to do so.

j. If cultural resources are uncovered at a site of work authorized by this general permit, work must be suspended and written notification provided to the State Historic Preservation Officer and to the Regulatory Branch of this office.

k. Work authorized by this general permit may not be performed until the Regulatory Branch of this office has reviewed the material submitted by applicants and notified applicants that the work may proceed.

l. Culverts shall be installed through the road fills in accordance with the following:

(1) Minimum diameter shall be 24 inches.

(2) Maximum distance between culvert installation shall be 500 feet.

(3) Culverts shall be installed at all crossings of small streams, ditches, and sloughs. These culverts shall be of sufficient size so as to convey normal flows and shall be installed so as to approximate pre-project flow conditions and not promote drainage of wetlands.

m. Culvert openings must be maintained to allow for free flow of water. Locations, number, and sizes of culverts must be shown on the drawings.

n. Bridges with clear openings at least 6 feet wide may be used in lieu of culverts.

o. Borrow pits for road fills must be discontinuous. The pits should be staggered with a maximum length of 300 feet. If pits are not staggered, gaps at least 50 feet in length shall be left between the 300-foot long segments of borrow pits. Culverts or bridge openings may not be installed through road fills to connect staggered segments of the borrow pit. Culverts and/or ditches may not be installed to connect sections of discontinuous borrow pit along one side of a road fill.

p. The maximum outside dimensions of ring levees shall not exceed 400 feet, or a total area of 160,000 square feet.

q. Material for construction of ring levees must be excavated from inside the leveed areas. All pits (e.g., production, sludge, or burn pits) must be located within in the ring levee.

r. Material used for the construction of the roads and ring levees must be free of contaminants.

s. Ring levees shall be degraded by restoring the material with which they were built into the areas from which it was removed, and disturbed areas leveled and restored to as near pre-project conditions as practicable within 30 days after pits have been cleaned.

t. The discharge and/or disposal of drilling muds, cuttings associated with drilling fluids, and produced waters from drilling or production operations must be in compliance with federal and state regulations.

u. Road fills and/or drilling pads in wetlands constructed with native material shall be degraded when the locations which they were installed to serve are abandoned. The material shall be deposited to the extent practicable into the borrow areas from which it was excavated and the area leveled and restored to as near pre-project conditions as practicable. If the road fills and/or drilling pads in wetlands were constructed with hauled-in material, that material shall be removed from the site and hauled to a non-wetland area, with the project site being leveled and restored to as near pre-project conditions as practicable. Restoration must be accomplished within 90 days of abandonment unless the District Engineer has granted additional time in writing because of weather conditions or clearly unusual circumstances. Requests for additional time must be made by the permittee or agent in writing at least 20 days prior to expiration of the 90 day period allowed for restoration. Abandoned sites shall be replanted with appropriate species, depending upon the ecotype, in the first planting season (December 15 through March 15) following abandonment.

v. Boards and other extraneous construction material shall be removed from the site prior to commencement of degrading operations. All plastic sheeting shall be removed from areas of the roadway and drill site from which boards are removed.

w. In the event that the well is a producer, the well pad shall be reduced to the minimum size necessary for production and that the remaining area of the drill site and ring levee be restored to as near pre-project conditions as practicable within 90 days of completion of the well. The restored area shall be planted with appropriate species as described in condition u. above.

x. Interests performing work under authority of this general permit must obtain water quality certification from the Louisiana Department of Environmental Quality (DEQ) before any work may be accomplished. Requests for the certification must advise the DEQ that they propose to perform their work under authority of this general permit.

y. Interests performing work under authority of this general permit within Louisiana's Coastal Zone must obtain a coastal use permit or waiver from the Louisiana Department of Natural Resources, Coastal Management Division, prior to commencement of work.

z. The District Engineer must be notified of abandonment of wells served by facilities authorized by this general permit within 10 days of abandonment. The notification must be in writing and must include the date of abandonment and the estimated date the restoration work will begin.

aa. Further written notification must be given to the District Engineer within 5 days of completion of the restoration work, including required mitigation.

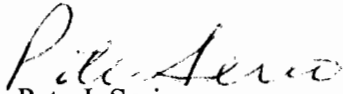
bb. A geologic review meeting will be required for the following items of work applied for under this general permit:

- (1) All board roads, regardless of length.

(2) Ring levees larger than 300' X 300', or 90,000 square feet.

(3) Ring levees with maximum dimensions of 300' X 300' if an existing ring levee exists within the directional drilling radius. The directional drilling radius is the maximum distance from a proposed bottom hole location from which a given well feasibly can be directionally drilled. It is determined by the following formula: $[(\text{proposed total well depth in feet} - \text{surface casing distance in feet} - 1425) \times .57735027] + 375$. If, at the conclusion of the meeting it is determined that it is technically and/or economically infeasible to reduce the dimensions of the board road and/or ring levee, authorization will be granted under this general permit provided the project meets all other terms and conditions of this general permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



Pete J. Serio

Chief, Regulatory Branch

For

Alvin B. Lee

Colonel, US Army

District Commander

DEPARTMENT OF THE ARMY PERMIT

Permittee _____

Permit No. _____

Issuing Office _____

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

Project Location:

Permit Conditions:

General Conditions:

~~1. The time limit for completing the work authorized ends on _____ . If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.~~

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

~~4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.~~

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. ~~For your convenience, a copy of the certification is attached if it contains such conditions.~~

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to.

☒ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

~~6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.~~

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

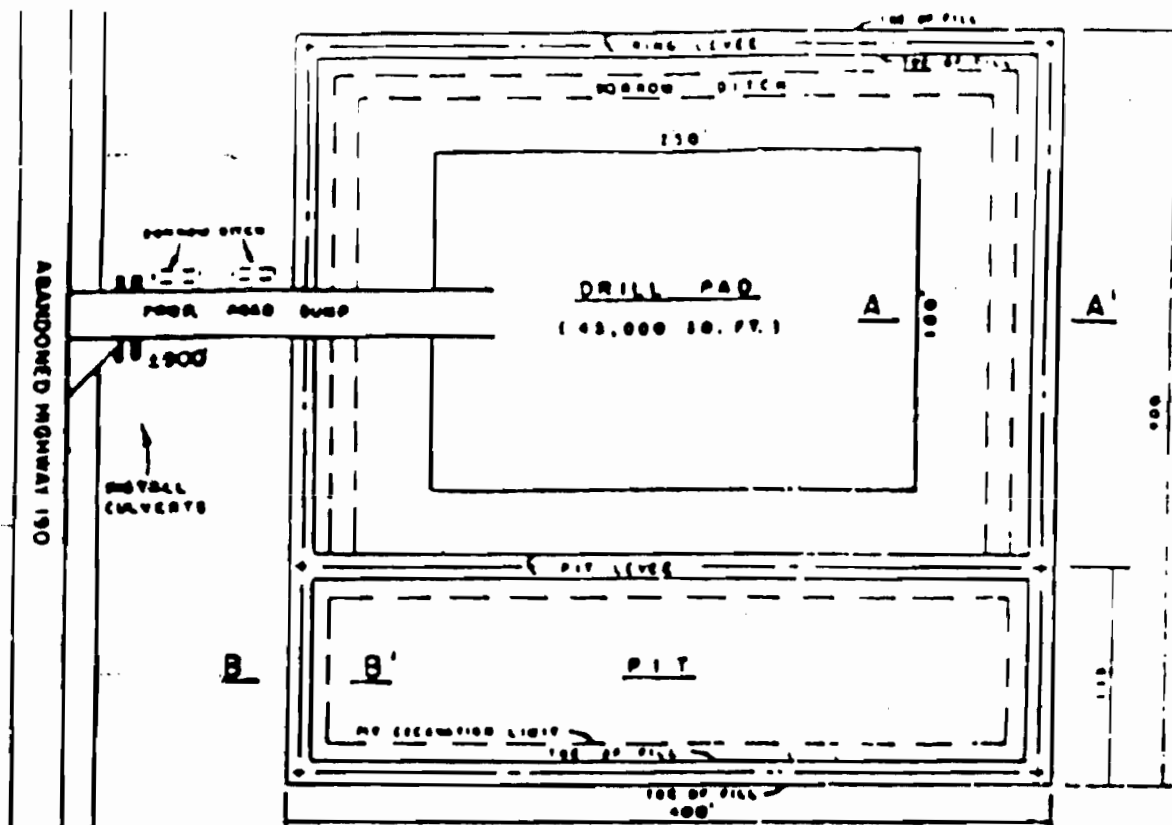
(DISTRICT ENGINEER)

(DATE)

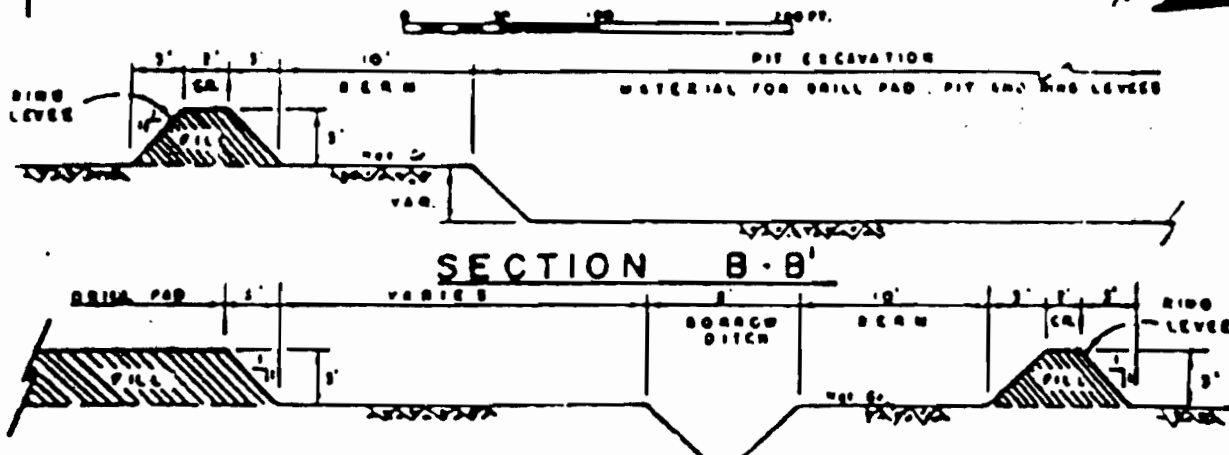
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFeree)

(DATE)



TYPICAL DRILL SITE PLAN



SECTION A-A'

HORE & VERT SCALE:

- 1) MAXIMUM OUTSIDE DIMENSIONS OF LEVELS SHALL NOT EXCEED 400 FEET
- 2) MATERIALS FOR RING LEVEL MUST BE EXCAVATED FROM INSIDE THE LEVEL AREA
- 3) UPON ABANDONMENT OF LOCATION WETLANDS WILL BE RESTORED AS NEAR TO PREPROJECT CONDITIONS AS PRACTICABLE.
- 4) APPROX 6,000 CU YDS OF DREDGING FOR RING LEVEL & DRILL PAD

SHEET 2 OF 2

PROPOSED DREDGING FOR
DRILL SITE AND BOARD ROAD DUMP
LOTTIE OIL & GAS FIELD
 POINTE COUPEE PARISH, LOUISIANA
 CLAYTON W. WILLIAMS, JR., INC.
 MIDLAND, TEXAS